

**Maharashtra State Electricity Distribution Co. Ltd.'s  
Consumer Grievance Redresses Forum  
Nagpur Zone, Nagpur**

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**Case No. CGRF(NZ)/16/2018**

Applicant : Shri Avinash Aloysius Philips,  
H. No. 42, Philips House,  
New Colony, Sadar,  
Nagpur.

Non-applicant : Nodal Officer,  
The Superintending Engineer,  
(D/F), NUC, MSEDCL, Nagpur

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Applicant represented by : 1) Shri. Sunil Jacob,

Non-applicant represented by: 1) Shri N. Vairagade, Ex.Engineer, MSEDCL.  
2) Shri Dahasahastra, SNDL, Nagpur.

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Quorum Present : 1) Shri Vishnu S. Bute,  
Chairman.  
2) Shri N.V.Bansod,  
Member  
3) Mrs. V.N.Parihar,  
Member Secretary.

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**ORDER PASSED ON 27.03.2018**

2) Mr. Avinash Alaysius Phillips, R/o New Colony, Sadar, Nagpur (hereinafter referred to as, the applicant) applied to the SNDL (hereinafter referred to as, the non applicant) for new domestic electricity connection. The application was rejected by the non applicant. The applicant approached the IGRC SNDL Nagpur. The SNDL passed order in Case No. 29/2018 on 22.01.2018. The IGRC also clarified that the connection should be released after installation of ELCB / proper earthing and on production of OC/CC.

The applicant approached this Forum stating that as per the order of the IGRC the non applicant has not issued a demand note till today. So a compensation may be awarded to him.

3. The non applicant submitted written reply. The case was fixed for hearing on 20.03.2018. Mr. Sunil Jacob, a representative was present for the applicant. Shri Vairagade, Nodal Officer MSEDCL and Shri Dahasahastra SNDL represented the non applicant. Both the parties were heard.

4. Shri Sunil Jacob argued that in spite of the orders from the IGRC the non applicants have not given a demand note to the applicant. So a compensation as provided in SOP Regulations may be awarded. So also Rs.5000/- may be awarded for physical and mental harassment of the applicant.

5. The non applicant admitted that the demand is not issued to the applicant. It was stated that the applicant has not produced the OC/CC from NMC/NIT. So this application is incomplete. In view of Hon. High Courts orders the applicant is not entitled for new connection. He is not entitle for any compensation.

6. After the hearing was over the case was discussed among the members of the Forum. The Chairman and the Member Secretary were of opinion that the applicant is entitle for any compensation. However the Member CPO was having a different opinion. He was requested to give a separate note.

7. The Member CPO gave a dissenting note. It reads as under.

We heard the arguments on 20-3-2018 and I perused all the papers on record.

(1) The grievance of the applicant is regarding non compliance of the order of IGRC. Applicant submitted 'A1' application No. 9937767316 but non applicant has rejected the application for the following reasons.

(a) Earthing/ELCB not OK. (b) Original T. R. Required (c) I.D. Proof/Gas Card of other owners of the premises.

(2) IGRC clearly observed "the documents of other consumers of the premises are not required. The only requirement is that the applicant should have occupied the premises with separate entrance and should submit any one I.D. Proof.

As per MERC's S.O.P. Regulations of 2014 demand note cannot be withheld for want of any document.

IGRC ordered that the electric connection shall be released after payment of demand note & completion of ELCB/earthing work and submission of Occupancy/Completion certificate as per High Court order dated 31-8-2017.

(3) Non Applicant did not file copy of

(A)'A1' Application with annexure to prove his submission. Non Applicant neither specify that, how earthing & ELCB not OK nor conducted Joint Inspection on the basis of Test Report submitted by Applicant and Non Applicant's allegations are baseless and deserves to rejected.

During argument non applicant admitted the submission of applicant that earthing & ELCB is installed.

So far ELCB not OK, basically it is not requirement in case of Applicant's overhead line. As per Electricity Inspector, Nagpur Cir. क. विनिना/७६२/२०१७ Dated 6-32017. Provisio is as under, the contention of non applicant is deserves to be rejected. “Provided that such earth leakage protective device shall not be required for overhead supply lines having protective devices which are effectively bonded to the rental of supply transformers and confirming to the regulations 73.

(B)As per para “G” of Application form i.e. 'A1' & MERC (ESC) Regulations 2005 – (vii) is as under.

Provided further that for consumers falling under domestic tariff category, a copy of any one of the following documents, namely (i) ration card (ii) photopass (iii) voter Card (iv) Passport (v) documents pertaining to occupation of premises, may be required at the time of processing of application.

Hence requirement as per Non Applicant's letter dated 28-8-2017 is baseless excepting occupancy/completion certificate from NMC/NIT and sole aim of Non Applicant is to delay the demand note and subsequently New Connection and above letter dated is delivered to applicant by hand delivery on 2-1-2018 at 2.30 p.m. after 4 months.

(4) Applicant as well as Non Applicant did not mention the date of submission of 'A1' application form. As per MERC (SOP) Regulations 2014, Non Applicant is duty bound to complete the inspection within 7 days and intimation of charges within 15 days from date of submission of application and hence Non Applicant is liable to pay compensation @ Rs.100/- per week or part thereof delay till receipt of demand note.

(5) In view of the above observations, the contention of Non Applicant deserves to be rejected and partly order of IGRC also deserved to be rejected as it was without following requirements as E.S.C. & 'A1' form and other prayer of Applicant does not deserve to be considered.

Hence the Application deserves to be allowed.

### **ORDER**

1. Non Applicant is directed to issue demand note to the Applicant within 7 days from the date of this order.
2. Non Applicant is further directed to pay SOP compensation for late inspection, late issue of demand note till its receipt, @ of Rs.100/- per week of part thereof
3. Non Applicant is directed to release connection on submission of occupancy/completion certificate by NMC/NIT as per H.C. consider dated 31-08-2018.

**Member (CPO)  
(Naresh Bansod)**

8. We have perused the note. The Member COP proposed that the non applicant should give a demand note to the applicant.

The IGRC already ordered to issue a demand note.

The member proposed that a compensation should be awarded to the applicant.

According to the non applicant, the applicant has not produced the OC/CC issued by NMC/NIT. So his application is incomplete. As per the orders from Hon. High Court the OC/CC is necessary. In view of the above the applicant is not entitle for compensation.

The member also proposed that if the applicant produce CC/OC from the NIT/NMC connection may be released to him.

The IGRC already ordered accordingly.

In view of the above we overlook the note of the member.

9. We have perused the record. We have heard the arguments of both the parties.

The IGRC in its order dt. 22-01-2018 directed the non applicant to issue a demand note if (i) the applicant is occupying the premises having separate entrance (ii) he submits ID proof (iii) the installation is having ELCB and proper earthing and (iv) the applicant produce OC/CC of the premises he is occupying. The applicant is totally silent about the documents/evidence he gave to the non applicant after the IGRC order. At the time of hearing also he has not produced any document. So we are of the considered opinion that the applicant failed to produce the required documents, directed by the IGRC. As such his application was incomplete. So he is not entitle for any compensation.

10. In view of the above we pass the following order by majority.

**ORDER**

1. Application no. 16/2018 is hereby dismissed.

Sd/-  
**N.V. Bansod**  
MEMBER

Sd/-  
**Mrs.V.N.Parihar**  
MEMBER SECRETARY

Sd/-  
**Vishnu S. Bute,**  
Chairman